

92001/2832

PATENT  
Docket No. 5000-4999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Kitaru IWATA et al.

Group Art Unit: 2832

Serial No.: 10/081,541

Examiner: Lincoln D. Donovan

Filed: December 19, 2000

For: ELECTROMAGNETIC ACTUATOR AND METHOD FOR MANUFACTURING  
ELECTROMAGNETIC ACTUATOR, AND CONTROL VALVE FOR VARIABLE  
DISPLACEMENT COMPRESSOR USING ELECTROMAGNETIC ACTUATOR

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))**

I hereby certify that the following attached paper(s) and/or fee

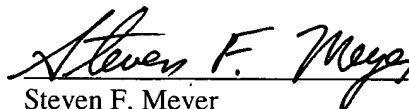
1. Request for Withdrawal of Improper Notice of Abandonment,
2. Attachments (Exhibits A-C), and
3. Return Receipt Postcard

are being deposited with the United States Postal Service on the date indicated below with sufficient postage as first-class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

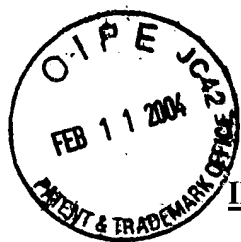
Respectfully Submitted,

MORGAN & FINNEGAN, LLP

Dated: February 9, 2004

  
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**REQUEST FOR WITHDRAWAL OF  
IMPROPER NOTICE OF ABANDONMENT**

Sir:

The Notice of Abandonment, which was mailed on January 27, 2004, states that the subject application is abandoned in view of a Response not being received in response to the May 5, 2003 Restriction Requirement. A copy of the Notice of Abandonment is enclosed as Exhibit A. Applicants respectfully request the withdrawal of the Notice of Abandonment because the Patent Office has, in fact, received a Response.

On May 30, 2003, Applicants timely filed a Response to the Requirement for Restriction (which was mailed on May 2, 2003). A copy of the Response is enclosed as Exhibit B. A copy of the return receipt postcard, which is enclosed as Exhibit C, evidences that the Patent Office received the Response on June 2, 2003.

**CONCLUSION**

The Notice of Abandonment should be withdrawn because Applicants did, in fact, timely respond to the May 2, 2003 Requirement for Restriction.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 9, 2004

By: Steven F. Meyer  
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